

WILLIAM L. ORR.

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JULY 7, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. MINOR, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 9561.]

The Committee on Claims, to whom was referred the bill (H. R. 9561) for the relief of William L. Orr, late an acting second assistant engineer in the United States Navy, have had the same under consideration, and after a thorough investigation of the case report the bill back with the recommendation that it do pass.

The facts in this case clearly show that William L. Orr has a just and equitable claim against the Government for services rendered as acting second assistant engineer in the United States Navy from September 4, 1863, to March 21, 1865, at which time a new commission was issued to him in place of the commission that had been issued September 4, 1863, and miscarried.

The documentary evidence that is included in this report shows that William L. Orr, while at Alton, Ill., was notified that he had been commissioned as acting second assistant engineer in the Navy, and that said commission had been sent to St. Louis, Mo., and he was ordered to report for duty to Chief Engineer King, at St. Louis. Through some oversight or clerical error, Orr's commission, instead of being sent to St. Louis, was forwarded to the Gulf Squadron at New Orleans. And notwithstanding the great amount of correspondence passing between Orr and the Navy Department, the commission was never found.

In obedience to the orders of the Navy Department, Orr reported to Chief Engineer King at St. Louis, Mo., and served continuously and faithfully under that officer's orders in the capacity of acting second assistant engineer, and as such was employed in the construction of gunboats and placing machinery therein till March 21, 1865. During all this time Orr's pay was withheld, and he was obliged to borrow money for the support of his family at home. On March 21, 1865, a new commission was issued to Orr, revoking the former commission that had miscarried. The terms of the new commission explicitly refer to the former commission and acknowledge the fact that such a commission had theretofore been issued.

There is abundance of proof that Orr never received a cent of pay from the Government from September 4, 1863, to March 21, 1865.

Orr has repeatedly sought relief at the hands of the Government for the pay withheld, but has failed to secure it. During the service mentioned he was in constant communication with the Navy Department, and subsequently he endeavored to secure said withheld pay at the hands of the accounting officers of the Treasury Department; but in

each instance his claim was disallowed, on the ground that no evidence had been furnished proving the performance of the service. Then Orr appealed to Congress, and bills for his relief were introduced in the House of Representatives, (a) by Representative William R. Morrison, and advocated by Senator John A. Logan; and later (b) by Representative William E. Mason in the Fifty-first Congress. A bill identical with the present Senate bill 1907, and introduced in the House of Representatives at this Congress by Representative E. D. Cooke, of Illinois, is now pending before the House Committee on Claims.

In proof of his claim that the service was actually rendered, Orr submits and appends hereto—

(1) A reference to the official Navy Register of the United States, of January, 1864, page 176, from which it appears that W. L. Orr (the claimant) was appointed acting second assistant engineer, United States Navy, September 4, 1863, and reported for duty under Chief Engineer, J. W. King, U. S. N., at St. Louis, Mo., to whom he (Orr) turned over his orders;

(2) Affidavit of D. C. Riter, testifying to the fact of service rendered;

(3) Orr's own statement as to the fact of his service;

(4) Copy of second commission, dated March 21, 1865, in which first commission is specifically referred to; and

(5) Copy of orders of the Navy Department.

The relief claimed to be justly due W. L. Orr is stated as follows:

Pay of his grade from September 4, 1863, to March 21, 1865, eighteen months and twenty-one days, at \$1,000 per annum, \$1,558.31.

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NAVY DEPARTMENT, *Washington, February 28, 1896.*

SIR: The Department is in receipt of your letter of the 27th instant requesting to be furnished with the service record of William L. Orr, late acting assistant engineer, United States Navy.

In reply I have the honor to inform you that the records of this Department show that William L. Orr was appointed an acting second assistant engineer in the Navy September 4, 1863, for duty in the Mississippi Squadron, with orders to report to Rear-Admiral Porter at Cairo, Ill., and that he served as such until June 9, 1865, when his resignation was accepted, at which time he was attached to the U. S. S. *Fairy*.

The acceptance of Assistant Engineer Orr's resignation, as above, was revoked on July 15, 1865, and he was granted a leave of absence for two months; and, under date of September 21, 1865, was ordered to proceed to Mound City, Ill., and report to Commodore J. W. Livingston for duty on board the U. S. S. *Yuma*.

His resignation was accepted December 18, 1865.

Very respectfully,

W. MCADOO, *Assistant Secretary.*

CHAIRMAN COMMITTEE ON CLAIMS,  
*House of Representatives.*

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NAVY DEPARTMENT, *March 21, 1865.*

SIR: You are hereby appointed an acting second assistant engineer in the Navy of the United States on temporary service.

After having executed the inclosed oath and returned it to the Department with your letter of acceptance, you will proceed without delay to Mound City, Ill., and report to Commodore Livingston, commandant of the station, for duty on board such of the new steamers as may need an assistant engineer.

Your appointment of September, 1863, is hereby canceled.

Very respectfully,

G. WELLES, *Secretary of the Navy.*

Acting 2nd Assistant Engineer WILLIAM L. ORR,  
*U. S. Navy, Alton, Madison Co., Illinois.*

Reported April 8, 1865.

Report to commanding officer U. S. S. *Fairy* for duty.

S. P. LEE,

*A. R. Admiral, Comdg. Mississippi Squadron.*

MOUND CITY, ILLS., May 4, 1865.

Paid mileage from Alton, Ills., to Mound City, Ills., 202 miles, at 10 cts., \$20.20, less tax, \$1.01=\$19.19.

C. C. SACKSON,  
Per Paymaster TAKING.

The above is a correct copy of the original.

T. J.

TREASURY DEPARTMENT,  
Fourth Auditor's Office, May 7, 1887.

I certify that I have examined the claim of W. L. Orr, late acting second assistant engineer, for pay from September, 1863, to March, 1865, and find that there is nothing due claimant from the United States, and that said claim should be disallowed. Claimant was requested, through his attorney, November 21, 1885, to produce the authority under which he performed the duty of an acting second assistant engineer as alleged, but has not yet complied with that request. There is nothing in the papers now in the case to show that the duty was performed, or that he ever received an appointment as an engineer prior to March 21, 1865.

Said claim and all the vouchers and papers are transmitted with this certificate to the Second Comptroller for his decision thereon.

C. M. SHELLEY, Fourth Auditor.

TREASURY DEPARTMENT,  
Second Comptroller's Office, May 13, 1887.

The action of the Fourth Auditor in reporting against the allowance of the above-described claim is approved, and said claim is hereby disallowed.

SIGOURNEY BUTLER, Second Comptroller.

*Application for arrearages of pay of late Acting Second Assistant Engineer William L. Orr, United States Navy.*

Was appointed acting second assistant engineer, U. S. N., September, 1863. Signed oath of office and mailed same to Navy Department at Washington. Was retained in St. Louis, Mo., from October 1, 1863, until December, 1864, waiting orders and performing special duties under instructions of Chief Engineer King, U. S. N., superintending construction of machinery on gunboat *Ozark* and monitors at Carondelet, Mo., and for all of which time I have never received one cent of pay. Chief Engineer King wrote several letters to the Department urging that my commission be forwarded with orders; that I was rendering special service and waiting orders. One reply stated that my commission had been forwarded to Admiral D. D. Porter, and would receive orders from him where to report. Nothing further was heard from it until March, 1865; I received a duplicate commission dated March 21, 1865, ordering me to report to Mound City Naval Station. Said commission contained one clause, as follows: "Your appointment of September, 1863, is hereby canceled."

I felt at the time that this was doing me a great injustice, but accepted the appointment and reported as ordered, trusting that the Government would pay me for that time which I had honestly and faithfully rendered to the Government. I waited patiently in hope that my claim would be allowed and receive my pay. After the surrender of the Confederate forces an order was issued in the squadron to all volunteer naval officers that if they desired their resignations would be accepted, leave granted to return to their homes and await regular discharges. I, with many others, tendered my resignation and was granted two months' leave, with orders to report to the Department at the expiration of the two months. At the expiration of that time I reported to the Department by letter, my resignation was then revoked, and I was ordered to report at Mound City Naval Station September 21, 1865. I was then ordered to Cincinnati for duty on monitor *Yuma*, and remained on duty there until December 26, 1865, when by advice of a doctor I asked for a discharge on account of failing health. Not hearing from that I then tendered my resignation.

After returning home I made application for back pay from September, 1863, date of my first commission, to March 21, 1865, date of the duplicate commission, which is now justly and honestly due me for services rendered, under directions of Chief Engineer King, and I was then and there waiting orders and ready and willing to perform any duties I might be assigned to, and felt that I was not at liberty to

accept any other situation, thereby forcing me to deprive myself and family of many necessities of life. I therefore earnestly pray for the allowance of my claim, which is honestly due me for services rendered.

From September, 1863, to March 21, 1865.

From March 21, 1865, to December, 1865, I received pay, and that is all the pay I have ever received.

Respectfully, yours,

WILLIAM L. ORR,  
*Late Acting Second Assistant Engineer, U. S. N.*

Post-office box 205, Alton, Ill.

STATE OF ILLINOIS, *County of Madison:*

This day personally appeared William L. Orr, who being duly sworn, says that he is the person whose name is signed to the foregoing statement, etc.; that all the allegations therein are true and correct; that he therefore applies for an amendment of the naval records so as to show that he was mustered in as second assistant engineer, United States Navy, and served as such regularly until discharged as above set forth. He hereby appoints John Q. Brown, of Quincy, Ill., his attorney to prosecute this application.

WILLIAM L. ORR,  
*Late Acting Second Assistant Engineer, U. S. N.*

CLEMENS HORAT.  
D. C. FITZMORRIS.

Also, personally appeared Clemens Horat and Daniel C. Fitzmorris, residents of Alton, Ill., who being duly sworn, say they are personally acquainted with William L. Orr, who has executed the above application in their presence, and that they know him to be the person he represents himself to be; and that they are in no way interested in any claim he may have against the United States Government.

CLEMENS HORAT.  
D. C. FITZMORRIS.

Subscribed and sworn to before me this 13th day of September, 1883, and I certify that I know affiant to be the person he represents himself to be; that he is a reliable and respectable person, and that I am in no way interested in the above matter.

[SEAL.]

PATRICK WARD,  
*Clerk of the City Court of Alton.*

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TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,  
*Washington, D. C., October 12, 1883.*

SIR: Your letter of the 20th ultimo, with inclosure in the case of W. L. Orr, in relation to pay, addressed to the Honorable Secretary of the Navy, has been referred to this office.

In reply I respectfully state that his application for pay for service alleged to have been performed between September, 1863, and March, 1865, can not be considered unless he can produce some written authority under which the service was performed.

Very respectfully,

CHAS. BEARDSLEY, *Auditor.*

Mr. JOHN BROWN,  
*Attorney, Quincy, Ill.*